

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JUSTIN RIDDLE,

Case No. 8:23-cv-00547

Plaintiff,

v.

OBJECTION AND RESPONSE

OMAHA PUBLIC SCHOOLS,

Defendant.

To the extent Plaintiff's filing entitled "Notice of Clarification," dated January 25, 2024, constitutes a Request for Admission to the Defendant pursuant to Fed. R. Civ. P. 34, the Defendant hereby objects to the request as premature. See NECivR16.1(c) ("Unless otherwise ordered by the court, approximately 30 days after the last defendant files an answer, the court will issue an "Order Setting Schedule for Progression of Case" addressing discovery and other issues. No discovery may take place until this progression order is entered except upon motion and order.").

OPS has not yet filed an answer, the court has not yet issued a progression order, and there has been no motion to alter this requirement. Accordingly, the service of a Request for Admission is premature at this time.

To the extent the "Notice of Clarification" constitutes a Motion regarding the sufficiency of an answer or objection under Fed. R. Civ. P. 36(a)(6), there has been no service of a valid request for admission upon which such a motion could be premised. Any such motion should be denied.

Dated this 6th day of February, 2024.

OMAHA PUBLIC SCHOOLS Defendant,

By: /s/Steven D. Davidson

David J. Kramer (#19327)

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Justin Riddle
16422 Patrick Ave.
Omaha, NE 68116

/s/Steven D. Davidson

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